MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2385 OF 2007

Ratan Manohar Valecha Petitioner
versus
State of Maharashtra & another Respondents

Mr.V.S.Rankhambe and Indira Murudkar for petitioner.

Ms.Mhaispurkar, AGP for respondent no.1.

CORAM : A.S.OKA, J.

DATE : 05th April 2007

PC :

1. Heard advocate for the petitioner. The respondent no.2 wife has filed a petition for dissolution of the marriage under the Hindu Marriage Act, 1955. An application for amendment of the petition was made by the respondent no.2 which has been allowed by the learned Judge of the Family Court by the impugned order.

2. The learned advocate for the petitioner submitted that the amendment is nothing but an afterthought and no grounds are made out for allowing the application for amendment at this

stage. It is submitted that the contentions which are sought to be incorporated by way of amendment are contrary to the prayers made in the petition originally filed.

3. I have considered the submissions. The second respondent has stated that certain material averments were not incorporated in the petition filed by the her. It is well settled law that the amendment of the pleadings are to be allowed liberally. In the present case, I find no error in the order passed by the Family court by which amendment has been allowed. No case is made out for interference in this petition under Article 227 of the Constitution of India.

4. Writ Petition is rejected. However, it will be open for the petitioner to file additional written statement to the amended petition.

(A.S.OKA, J.)